

1 PHILLIP A. TALBERT
United States Attorney
2 ARIN C. HEINZ
Assistant United States Attorney
3 2500 Tulare Street, Suite 4401
Fresno, CA 93721
4 Telephone: (559) 497-4000
Facsimile: (559) 497-4099
5

6 Attorneys for Plaintiff
United States of America
7

8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,
11
12 Plaintiff,
13 v.
14 MANUEL YANES and
JORGE LUIS YANES,
15 Defendants.
16
17

CASE NO. 1:22-CR-00307-JLT-SKO

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
[PROPOSED] ORDER

CURRENT DATE: September 10, 2024
TIME: 9:00 am
COURT: Hon. Jennifer L. Thurston

18 **STIPULATION**

- 19
- 20 1. By previous order, this matter was set for a trial September 10, 2024.
 - 21 2. By this stipulation, defendants now move to vacate the trial, and schedule a status
22 conference for October 30, 2024, and to exclude time between September 10, 2024, and October 30,
23 2024, under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].
 - 24 3. The parties agree and stipulate, and request that the Court find the following:
 - 25 a) The government asserts the discovery associated with this case includes reports,
26 photographs, and recordings. Initial discovery has been provided to all counsel. Although this
27 federal case was not the product of a wiretap investigation, the government provided discovery
28 from a state wiretap investigation of these two defendants. The government is aware of its

1 ongoing discovery obligations.

2 b) During the week of August 5, 2024, the Government learned new information
3 relating to the confidential source (CS) law enforcement used in this case. The Government
4 provided supplemental reports and disclosures to the Defense based on this information. The
5 parties have discussed the information, but more investigation is needed before this case can
6 proceed to trial.

7 c) The parties are in active plea negotiations, particularly in light of this information.
8 The Government is in the process of drafting revised plea offers. The Government needs
9 additional time to do this, and the Defense counsel will need to discuss any revised offers with
10 their clients.

11 d) Counsel for all defendants desire additional time to consult with their clients, to
12 review the current charges, to conduct investigation in light of the new information and research
13 related to the charges, to review and/or copy discovery for this matter, to discuss potential
14 resolutions with their clients, to prepare pretrial motions, and to otherwise prepare for trial.
15 Additionally, in order to maintain continuity of counsel, October 30, 2024, was the first available
16 date on the Court's schedule on which defense counsel can be available and the parties can
17 engage in meaningful discussions about resolution of this case in light of the new information.

18 e) Counsel for defendants believe that failure to grant the above-requested
19 continuance would deny them the reasonable time necessary for effective preparation, taking into
20 account the exercise of due diligence.

21 f) The government does not object to the continuance.

22 g) Based on the above-stated findings, the ends of justice served by continuing the
23 case as requested outweigh the interest of the public and the defendants in a trial within the
24 original date prescribed by the Speedy Trial Act.

25 h) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
26 et seq., within which trial must commence, the time period of September 10, 2024, to October
27 30, 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local
28 Code T4], because it results from a continuance granted by the Court at defendants' request on

the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

DATED: August 12, 2024

PHILLIP A. TALBERT
United States Attorney

By: /s/ Arin C. Heinz
ARIN C. HEINZ
Assistant U.S. Attorney

DATED: August 12, 2024

By: /s/ Darryl Young
DARRYL YOUNG
Attorney for Defendant
MANUEL YANES

DATED: August 12, 2024

By: /s/ Galatea DeLapp
GALATEA DELAPP
Attorney for Defendant
JORGE LUIS YANES

[PROPOSED] FINDINGS AND ORDER

For the reasons set forth, the Court sets a status conference on October 30, 2024 at 9 a.m. and time under the Speedy Trial Act is excluded through that date. 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]. If the matter has not resolved, at the status conference the Court will set a firm trial date. **The Court will not grant another stipulated continuance.**

IT IS SO ORDERED.

Dated: **August 13, 2024**


UNITED STATES DISTRICT JUDGE